

REZONING STAFF REPORT**Date: June 5, 2008****APPLICANT NAME**

Bill Bunch

LOCATION

4960 Dauphin Island Parkway

CITY COUNCIL**DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential

PROPOSED ZONING

B-3, Community Business

AREA OF PROPERTY

15.0± Acres

CONTEMPLATED USE

Rezone from R-1, Single-Family Residential to B-3, Community Business, to bring the zoning into compliance for an existing marina and boat yard.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

REASON FOR REZONING

Marketability purposes.

**TIME SCHEDULE
FOR DEVELOPMENT**

No time schedule

ENGINEERING**COMMENTS**

Show all special flood hazard areas on the plat. If the site is located in a VE Zone, per FEMA Regulations, neither fill nor grading is allowed without a CLOMR. Show Minimum FFE on plans and plat for all special flood hazard areas. No fill allowed within a special flood hazard area without providing compensation or completing a flood study showing that there is no rise for the proposed fill within the special flood hazard area. It is the responsibility of the applicant to look up the site in the City of Mobile (COM) GIS system and verify if NWI wetlands are depicted on the site. If the COM GIS show wetlands on the site, it is the responsibility of the applicant to confirm or deny the existence of wetlands on-site. If wetlands are present, they should be depicted on plans and/or plat, and no work/disturbance can be performed without a permit from the Corps of Engineers. Must comply with all storm water and flood control ordinances. Cannot concentrate storm water runoff to an adjacent property

without a release agreement or a private drainage easement. Any work performed in the right of way will require a right of way permit.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, sizes, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Final approval for all driveways, proposed and existing will be given upon submittal of final plans.

URBAN FORESTRY

COMMENTS

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

FIRE DEPARTMENT

Fire hydrants shall be installed to comply with 2003 IFC 508.5.1.

REMARKS

The applicant is requesting rezoning from R-1, Single-Family Residential to B-3, Community Business to bring the zoning into compliance for an existing marina and boat yard.

The site in question has previously been used as a marina and boat yard for several years. Within the past several years several applications have been submitted to the Planning Commission. However, none have been completed.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

With regard to the applicant's request, the commission may find that the existence of the businesses at the site, along with the traffic and noise generated, makes the property not fitting as a residence. However, the site is non-conforming and may be used as a marina and boat yard as long as the businesses are continued without any break in service more than two years. Therefore, until the owner has a plan development this rezoning could be considered speculative.

According to the site plan, there appears to be several buildings of assorted uses that should be labeled as residential and/or commercial. Furthermore, since the conversion of use may be from residential to commercial use, the applicant will be required to bring the structure into compliance with appropriate building and fire codes, the zoning ordinance.

All improvements will require full commercial site plan review, at which time the aforementioned issues shall be addressed.

Furthermore, the site does not appear to be a legal lot of record. Therefore, the applicant should submit an application for a one-lot subdivision or provide evidence that the parcel was created prior to 1952.

Additionally, since there is more than one building located on the site, a Planned Unit Development application should accompany the subdivision application as well.

RECOMMENDATION

Based on the preceding, it is recommended that this application be held over until the July 10th meeting to allow the applicant to submit an application for a one-lot subdivision or provide evidence that the parcel was created prior to 1952, and a Planned Unit Development application. The application/information should be provided to the Planning Department of Urban Development no later than by June 16th.

